

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPOINTMENT TO FILL VACANCY ON THE)	CASE NO.
BOARD OF COMMISSIONERS OF JESSAMINE)	2015-00313
COUNTY WATER DISTRICT NO. 1)	

ORDER

Jessamine County Water District No. 1 (“Jessamine District No. 1”) has advised the Commission in writing of the existence of a vacancy on its Board of Commissioners due to the expiration of the term of Water District Commissioner Claude Lawson. By this Order, we appoint George W. Dean to fill the vacancy.

Jessamine District No. 1 is a water district organized pursuant to KRS Chapter 74, and it owns and operates facilities used in connection with the distribution and furnishing of water for compensation to approximately 1,989 customers in portions of Jessamine County, Kentucky.¹ A three-member Board of Commissioners administers Jessamine District No. 1 and has the statutory responsibility to “control and manage” the affairs of the water district.²

On September 9, 2015, the Commission received a letter from Carl Waits, chairman of the Board of Commissioners of Jessamine District No. 1 that advised the Commission that the term of Claude Lawson as a commissioner of Jessamine District No. 1 is believed to have expired on March 30, 2015, and that the position remained vacant. On October 5, 2015, the Commission opened this case to investigate whether

¹ *Report of Jessamine County Water District No. 1 to the Kentucky Public Service Commission for the Year Ended December 31, 2014* at Reference Page 27.

² KRS 74.020(1).

there is a vacancy on the Board of Commissioners of Jessamine District No. 1. Also, on October 5, 2015, the Commission received and filed into the record for this case a letter from David K. West, Jessamine County Judge/Executive, which stated that there was a vacancy on the Board of Commissioners of Jessamine District No. 1 and that he was submitting three names with resumes for consideration for the vacancy.

As part of the investigation, the Commission made a request for the Jessamine County Clerk to file the minutes of the Jessamine County Fiscal Court meeting in which Jessamine Fiscal Court appointed Claude Lawson, whose term was alleged to have expired on March 30, 2015. On November 2, 2015, the Commission received and filed into the record for this case a letter from Johnny M. Collier, Jessamine County Clerk, which included a certified copy of the Jessamine County Fiscal Court Minutes ("Minutes") from March 1, 2011, and a certified copy of the Oath of Office and Written Certification of Administration of Oath KRS 62.020 ("Certification of Oath") regarding Mr. Lawson's appointment. Per the Minutes from March 1, 2011, the Jessamine County Fiscal Court approved the re-appointment of Claude Lawson for a four-year term on the Board of Commissioners of Jessamine District No. 1.³ Per the Certification of Oath, Mr. Lawson was administered the oath of office on March 30, 2011.

DISCUSSION

KRS 74.020(4) address vacancies on a water district's board and states:

Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only. Notwithstanding KRS 67.710, a vacancy resulting from the

³ In the letter received by the Commission on November 2, 2015, Mr. Collier explained that, due to a typographical error, Claude Lawson's name is misspelled in the in the Minutes from March 1, 2011, as "Claude Laws."

expiration of a term or the death, resignation, or removal of the incumbent shall be filled by the Public Service Commission if, within ninety (90) days following the vacancy, the vacancy has not been filled by the appropriate county judge/executive with approval of the fiscal court.

The Commission finds that Claude Lawson was re-appointed to a four-year term as a commissioner of Jessamine District No. 1 on March 1, 2011, and was administered the oath of office on March 30, 2011. We find that Mr. Lawson's term expired on March 30, 2015, at which time the position became vacant. We find that the position remains vacant, and the vacancy has existed for more than 90 days. We find that, pursuant to KRS 74.020(4), the Commission has the exclusive authority to fill a vacancy that has existed for more than 90 days and, therefore, we have exclusive authority to fill the vacancy created by the expiration of Mr. Lawson's term on March 30, 2015.

George W. Dean is one of three individuals whose resumes have been submitted to the Commission for consideration for appointment to fill the vacant position. Mr. Dean's experience includes service on Jessamine District No. 1's Board of Commissioners from 1987 through 1994. From 1990 to 1994, Mr. Dean served as the Chairman of the Board of Commissioners. Mr. Dean is also a former Magistrate of Jessamine County serving on the Jessamine County Fiscal Court from 1994 to 2015. On October 19, 2015, the Commission received and filed into the record for this case a letter from Kentucky State Representative Russ Meyer that recommended Mr. Dean for appointment to the vacancy.

Based upon the review of the evidence of record, we find that Mr. Dean resides within the territorial boundary of Jessamine District No. 1 and that Mr. Dean possesses adequate education, training, and experience to perform the duties of a water district

commissioner. We find that Mr. Dean should be appointed and approved to fill the vacant position for the recommended term.

We find that although Mr. Dean has previously served as a water district commissioner, Mr. Dean's appointment through this Order constitutes an "initial appointment" as that phrase is used in KRS 74.020(8)(b). We find that Mr. Dean is required, pursuant to KRS 74.020(8)(b), to complete the program of instruction for newly appointed commissioners described in KRS 74.020(8)(a) within 12 months of this Order.

IT IS THEREFORE ORDERED that

1. George W. Dean is appointed to fill the existing vacancy on Jessamine District No. 1's Board of Commissioners. His term shall expire on March 30, 2019.
2. Within 12 months of the date of this Order, George W. Dean shall complete the program of instruction for newly appointed commissioners described in KRS 74.020(8)(a).

By the Commission

ENTERED
NOV 17 2015
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:


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